

HOUSE BILL No. 4329

February 22, 2001, Introduced by Reps. Gosselin, Kuipers and Richner and referred to the Committee on Employment Relations, Training and Safety.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 503 and 1311e (MCL 380.503 and 380.1311e),
section 503 as amended by 1995 PA 289 and section 1311e as added
by 1999 PA 23.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 503. (1) An authorizing body is not required to issue
2 a contract to any person or entity. Public school academy con-
3 tracts shall be issued on a competitive basis taking into consid-
4 eration the resources available for the proposed public school
5 academy, the population to be served by the proposed public
6 school academy, and the educational goals to be achieved by the
7 proposed public school academy.

8 (2) If a person or entity applies to the board of a school
9 district for a contract to organize and operate 1 or more public

1 school academies within the boundaries of the school district and
2 the board does not issue the contract, the person or entity may
3 petition the board to place the question of issuing the contract
4 on the ballot to be decided by the school electors of the school
5 district. The petition shall contain all of the information
6 required to be in the contract application under section 502(3)
7 and shall be signed by a number of school electors of the school
8 district equal to at least 15% of the total number of school
9 electors of that school district. The petition shall be filed
10 with the secretary of the board. If the board receives a peti-
11 tion meeting the requirements of this subsection, the board shall
12 place the question of issuing the contract on the ballot at its
13 next annual school election held at least 60 days after receiving
14 the petition. If a majority of the school electors of the school
15 district voting on the question vote to issue the contract, the
16 board shall issue the contract.

17 (3) Within 10 days after issuing a contract for a public
18 school academy, the board of the authorizing body shall submit to
19 the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION a copy of
20 the contract and of the application under section 502.

21 (4) An authorizing body shall adopt a resolution establish-
22 ing the method of selection, length of term, and number of mem-
23 bers of the board of directors of each public school academy
24 subject to its jurisdiction.

25 (5) A contract issued to organize and administer a public
26 school academy shall contain at least all of the following:

1 (a) The educational goals the public school academy is to
2 achieve and the methods by which it will be held accountable. To
3 the extent applicable, the pupil performance of a public school
4 academy shall be assessed using at least a Michigan education
5 assessment program (MEAP) test or an assessment instrument devel-
6 oped under section 1279. ~~for a state-endorsed high school~~
7 ~~diploma.~~

8 (b) A description of the method to be used to monitor the
9 public school academy's compliance with applicable law and its
10 performance in meeting its targeted educational objectives.

11 (c) A description of the process for amending the contract
12 during the term of the contract.

13 (d) All of the matters set forth in the application for the
14 contract.

15 (e) For a public school academy authorized by a school dis-
16 trict, an agreement that employees of the public school academy
17 will be covered by the collective bargaining agreements that
18 apply to employees of the school district employed in similar
19 classifications in schools that are not public school academies.

20 (f) Procedures for revoking the contract and grounds for
21 revoking the contract, including at least the grounds listed in
22 section 507.

23 (g) A description of and address for the proposed physical
24 plant in which the public school academy will be located.

25 (h) Requirements and procedures for financial audits. The
26 financial audits shall be conducted at least annually by a

1 certified public accountant in accordance with generally accepted
2 governmental auditing principles.

3 (6) A public school academy shall comply with all applicable
4 law, including all of the following:

5 (a) The open meetings act, ~~Act No. 267 of the Public Acts~~
6 ~~of 1976, being sections 15.261 to 15.275 of the Michigan Compiled~~
7 ~~Laws~~ 1976 PA 267, MCL 15.261 TO 15.275.

8 (b) The freedom of information act, ~~Act No. 442 of the~~
9 ~~Public Acts of 1976, being sections 15.231 to 15.246 of the~~
10 ~~Michigan Compiled Laws~~ 1976 PA 442, MCL 15.231 TO 15.246.

11 (c) ~~Act No. 336 of the Public Acts of 1947, being~~
12 ~~sections 423.201 to 423.217 of the Michigan Compiled Laws~~ 1947
13 PA 336, MCL 423.201 TO 423.217.

14 ~~(d) Act No. 166 of the Public Acts of 1965, being~~
15 ~~sections 408.551 to 408.558 of the Michigan Compiled Laws.~~

16 (D) ~~(e)~~ Sections 1134, 1135, 1146, 1153, 1263(3), 1267,
17 and 1274.

18 (7) A public school academy and its incorporators, board
19 members, officers, employees, and volunteers have governmental
20 immunity as provided in section 7 of ~~Act No. 170 of the Public~~
21 ~~Acts of 1964, being section 691.1407 of the Michigan Compiled~~
22 ~~Laws~~ 1964 PA 170, MCL 691.1407. An authorizing body and its
23 board members, officers, and employees are immune from civil
24 liability, both personally and professionally, for any acts or
25 omissions in authorizing a public school academy if the authoriz-
26 ing body or the person acted or reasonably believed he or she

1 acted within the authorizing body's or the person's scope of
2 authority.

3 (8) A public school academy is exempt from all taxation on
4 its earnings and property. Instruments of conveyance to or from
5 a public school academy are exempt from all taxation including
6 taxes imposed by ~~Act No. 134 of the Public Acts of 1966, being~~
7 ~~sections 207.501 to 207.513 of the Michigan Compiled Laws~~ 1966
8 PA 134, MCL 207.501 TO 207.513. A public school academy may not
9 levy ad valorem property taxes or any other tax for any purpose.
10 However, operation of 1 or more public school academies by a
11 school district or intermediate school district does not affect
12 the ability of the school district or intermediate school dis-
13 trict to levy ad valorem property taxes or any other tax.

14 (9) A public school academy may acquire by purchase, gift,
15 devise, lease, sublease, installment purchase agreement, land
16 contract, option, or by any other means, hold and own in its own
17 name buildings and other property for school purposes, and inter-
18 ests therein, and other real and personal property, including,
19 but not limited to, interests in property subject to mortgages,
20 security interests, or other liens, necessary or convenient to
21 fulfill its purposes. For the purposes of condemnation, a public
22 school academy may proceed under the uniform condemnation proce-
23 dures act, ~~Act No. 87 of the Public Acts of 1980, being sections~~
24 ~~213.51 to 213.77 of the Michigan Compiled Laws~~ 1980 PA 87,
25 MCL 213.51 TO 213.75, excluding sections 6 to 9 of that act,
26 ~~being sections 213.56 to 213.59 of the Michigan Compiled Laws~~
27 MCL 213.56 TO 213.59, or other applicable statutes, but only with

1 the express, written permission of the authorizing body in each
2 instance of condemnation and only after just compensation has
3 been determined and paid.

4 Sec. 1311e. (1) An authorizing body is not required to
5 issue a contract to any person or entity. Contracts for strict
6 discipline academies shall be issued on a competitive basis
7 taking into consideration the resources available for the pro-
8 posed strict discipline academy, the population to be served by
9 the proposed strict discipline academy, and the educational goals
10 to be achieved by the proposed strict discipline academy.

11 (2) If a person or entity applies to the board of a school
12 district for a contract to organize and operate 1 or more strict
13 discipline academies within the boundaries of the school district
14 and the board does not issue the contract, the person or entity
15 may petition the board to place the question of issuing the con-
16 tract on the ballot to be decided by the school electors of the
17 school district. The petition shall contain all of the informa-
18 tion required to be in the contract application under section
19 1311d and shall be signed by a number of school electors of the
20 school district equal to at least 15% of the total number of
21 school electors of that school district. The petition shall be
22 filed with the secretary of the board. If the board receives a
23 petition meeting the requirements of this subsection, the board
24 shall place the question of issuing the contract on the ballot at
25 its next annual school election held at least 60 days after
26 receiving the petition. If a majority of the school electors of

1 the school district voting on the question vote to issue the
2 contract, the board shall issue the contract.

3 (3) Within 10 days after issuing a contract for a strict
4 discipline academy, the board of the authorizing body shall
5 submit to the state board a copy of the contract and of the
6 application under section 1311d.

7 (4) An authorizing body shall adopt a resolution establish-
8 ing the method of selection, length of term, and number of mem-
9 bers of the board of directors of each strict discipline academy
10 subject to its jurisdiction.

11 (5) A contract issued to organize and administer a strict
12 discipline academy shall contain at least all of the following:

13 (a) The educational goals the strict discipline academy is
14 to achieve and the methods by which it will be held accountable.
15 To the extent applicable, the pupil performance of a strict dis-
16 cipline academy shall be assessed using at least a Michigan edu-
17 cation assessment program (MEAP) test or an assessment instrument
18 developed under section 1279 for a state-endorsed high school
19 diploma.

20 (b) A description of the method to be used to monitor the
21 strict discipline academy's compliance with applicable law and
22 its performance in meeting its targeted educational objectives.

23 (c) A description of the process for amending the contract
24 during the term of the contract.

25 (d) All of the matters set forth in the application for the
26 contract.

1 (e) For a strict discipline academy authorized by a school
2 district, an agreement that employees of the strict discipline
3 academy will be covered by the collective bargaining agreements
4 that apply to employees of the school district employed in simi-
5 lar classifications in schools that are not strict discipline
6 academies.

7 (f) Procedures for revoking the contract and grounds for
8 revoking the contract, including at least the grounds listed in
9 section 13111.

10 (g) A description of and address for the proposed physical
11 plant in which the strict discipline academy will be located.

12 (h) Requirements and procedures for financial audits. The
13 financial audits shall be conducted at least annually by a certi-
14 fied public accountant in accordance with generally accepted gov-
15 ernmental auditing principles.

16 (6) A strict discipline academy shall comply with all appli-
17 cable law, including all of the following:

18 (a) The open meetings act, 1976 PA 267, MCL 15.261 to
19 15.275.

20 (b) The freedom of information act, 1976 PA 442, MCL 15.231
21 to 15.246.

22 (c) 1947 PA 336, MCL 423.201 to 423.217.

23 ~~(d) 1965 PA 166, MCL 408.551 to 408.558.~~

24 (D) ~~(e)~~ Sections 1134, 1135, 1146, 1153, 1263(3), 1267,
25 and 1274.

1 (E) ~~-(f)-~~ Except for part 6a, all provisions of this act
2 that explicitly apply to public school academies established
3 under part 6a.

4 (7) A strict discipline academy and its incorporators, board
5 members, officers, employees, and volunteers have governmental
6 immunity as provided in section 7 of 1964 PA 170, MCL 691.1407.
7 An authorizing body and its board members, officers, and employ-
8 ees are immune from civil liability, both personally and profes-
9 sionally, for any acts or omissions in authorizing a strict dis-
10 cipline academy if the authorizing body or the person acted or
11 reasonably believed he or she acted within the authorizing body's
12 or the person's scope of authority.

13 (8) A strict discipline academy is exempt from all taxation
14 on its earnings and property. Instruments of conveyance to or
15 from a strict discipline academy are exempt from all taxation
16 including taxes imposed by 1966 PA 134, MCL 207.501 to 207.513.
17 A strict discipline academy may not levy ad valorem property
18 taxes or any other tax for any purpose. However, operation of 1
19 or more strict discipline academies by a school district or
20 intermediate school district does not affect the ability of the
21 school district or intermediate school district to levy ad
22 valorem property taxes or any other tax.

23 (9) A strict discipline academy may acquire by purchase,
24 gift, devise, lease, sublease, installment purchase agreement,
25 land contract, option, or by any other means, hold and own in its
26 own name buildings and other property for school purposes, and
27 interests therein, and other real and personal property,

1 including, but not limited to, interests in property subject to
2 mortgages, security interests, or other liens, necessary or con-
3 venient to fulfill its purposes. For the purposes of condemna-
4 tion, a strict discipline academy may proceed under the uniform
5 condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75,
6 excluding sections 6 to 9 of that act, MCL 213.56 to 213.59, or
7 other applicable statutes, but only with the express, written
8 permission of the authorizing body in each instance of condemna-
9 tion and only after just compensation has been determined and
10 paid.

11 Enacting section 1. This amendatory act does not take
12 effect unless Senate Bill No. _____ or House Bill No. _____
13 (request no. 00984'01) of the 91st Legislature is enacted into
14 law.